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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,422	11/17/2003	Hillard Tyree	366	2275
7590	09/29/2004		EXAMINER	
Charles R. Wilson Attorney at Law 4729 Cornell Rd. Cincinnati, OH 45241			TORRES, ALICIA M	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/714,422	TYREE, HILLARD <i>cf</i>	
	Examiner Alicia M Torres	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 17 and 18 is/are allowed.
- 6) Claim(s) 1,2 and 9 is/are rejected.
- 7) Claim(s) 3-8 and 10-16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/17/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Smithburn, as cited by Applicant.

3. In regards to claim 1, Smithburn discloses a commercial, residential, and recreational power equipment based on a singular motor usable on multiple host implements, where each host implement has a dedicated working piece for performing a particular work task, said power equipment comprising:

- a. a host implement (17) having a (i) frame (67), (ii) a mounting block (34) secured to the frame (67), said mounting block (34) having a hole (unnumbered) extending vertically therethrough, (iii) a driven shaft (74) connected to the frame (67) with a first terminus (top of driven shaft 74) and a second terminus (76), (iv) a working piece (73) operably attached to the second terminus (76) of the driven shaft (74), (v) a first self-locating and locking coupler (18) attached to the first terminus (top of driven shaft 74) of the driven shaft (74) and extending into the hole in the mounting block (34), and (vi) a first latch component (33); and

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b. a demountable motor (21) removably secured to the host implement (17), said demountable motor (21) having a drive shaft (46) with a second self-locating and locking coupler (22) attached to a terminus thereof, said second self-locating and locking coupler (22) configured to mechanically mate with the first self-locating and locking coupler (18) on the host implement (17) for transferring a rotation force from the drive shaft (46) of the demountable motor (21) to the driven shaft (74) of the host implement (17) for driving the working piece (73) and further having a second latch component (38) for semi-permanently attaching to the first latch component (33) on the host implement (17),

whereby the demountable motor (21) is readily removed from the host implement (17) by an unlatching and lifting action and is capable of being mounted on another host implement (17) for performing another work task.

4. In regards to claim 9, Smithburn discloses a commercial, residential, and recreational power equipment based on a singular motor (21) usable on multiple host implements, where each host implement has a dedicated working piece for performing a particular work task, said power equipment comprising:

a. a host implement (17) having a (i) frame (67), (ii) a mounting block (34) secured to the frame (67), said mounting block (34) having a hole extending vertically therethrough and having a recessed shoulder (36) surrounding the hole in the top surface thereof, (iii) a driven shaft (74) connected to the frame (46) with a first terminus (top of driven shaft 74) and a second terminus (76), (iv) a working piece (73) operably attached to the second terminus (76) of the driven shaft (74), (v) a first self-locating and locking coupler (18) attached to the first terminus (top of driven

shaft 74) of the driven shaft (74) and extending into the hole in the mounting block (34), and (vi) a first latch component (33); and

a. a demountable motor (21) removably secured to the host implement (17), said demountable motor (21) having a (i) drive shaft (46), (ii) a second self-locating and locking coupler (22) attached to a terminus of the drive shaft (46), said second self-locating and locking coupler (22) configured to mechanically mate with the first self-locating and locking coupler (18) on the host implement (17) for transferring a rotation force from the drive shaft (46) of the demountable motor (21) to the driven shaft (74) of the host implement (17) for driving the working piece (73), (iii) a roller bearing assembly (112) operably associated with the drive shaft (46), and (iv) a second latch component (38) for semi-permanently attaching to the first latch component (33) of the host implement (33),

whereby the demountable motor (21) is readily removed from the host implement (17) by an unlatching and lifting action and is capable of being mounted on another host implement (17) for performing another work task.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithburn.

The device is disclosed as applied above. Smithburn further discloses a roller bearing assembly (112) operably associated with the drive shaft (46) of the demountable motor (21).

However, Smithburn fails to disclose a roller bearing assembly operably associated with the driven shaft of the host implement.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second roller bearing assembly on the driven shaft of the device of Smithburn since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

***Allowable Subject Matter***

7. Claims 3-8, 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 17, 18 are allowed.

***Conclusion***

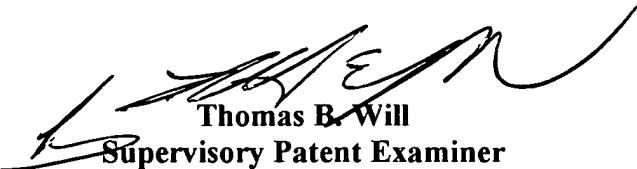
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas, Lenczuk, and Ohta et al. have been cited as of interest.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will  
Supervisory Patent Examiner  
Group Art Unit 3671

AMT  
September 22, 2004